

## **EXHIBIT N**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ECF

ERIC K. MERRING,

Plaintiff,

CV NO.:  
07 CV 10381 CLB

- against -

THE TOWN OF TUXEDO, NEW YORK, THE TOWN OF TUXEDO POLICE DEPARTMENT, TOWN OF TUXEDO POLICE OFFICER ANTHONY DELIA, SHIELD NUMBER 24, TOWN OF TUXEDO POLICE SERGEANT PATRICK WELSH, SHIELD NUMBER 17,

Defendants.

NOTICE FOR  
DISCOVERY  
AND INSPECTION  
PURSUANT TO  
CPLR 3120(1)(ii)

X

PLEASE TAKE NOTICE that the plaintiff seeks permission to inspect the items taken from Mr. Merring, namely the knife and the stick, for the purpose of inspecting, measuring, surveying, photographing, or recording by motion pictures or otherwise, the property premises of plaintiff, namely the knife and the stick, held at the headquarters of the Town of Tuxedo Police Department, on the 15th day of May, 2008, at 10:00 a.m., with a representative of defendant THE TOWN OF TUXEDO POLICE DEPARTMENT and/or counsel present, and with plaintiff and/or a representative of plaintiff and/or counsel present as well.

Dated: Poughkeepsie, New York  
April 22, 2008



LEE DAVID KLEIN, ESQ.  
Attorneys for Plaintiff  
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TO:  
John J. Walsh, Esq.  
Hodges, Walsh & Slater, LLP  
55 Church Street, Suite 211  
White Plains, NY 10601

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24, TOWN OF TUXEDO POLICE SERGEANT PATRICK  
WELSH, SHIELD NUMBER 17,

CERTIFICATION  
PURSUANT TO  
SECTION 30-1.1A  
OF THE RULES  
OF THE CHIEF  
ADMINISTRATOR

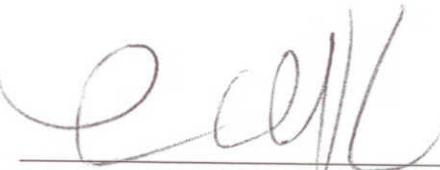
Defendants.

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I, LEE DAVID KLEIN, hereby certify that, to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of these papers, a **NOTICE FOR DISCOVERY AND INSPECTION PURSUANT TO CPLR 3120(1)(ii)** and contents therein, are not frivolous as defined in subsection (c) of Section 130-1.1a.

Dated: Poughkeepsie, New York

April 22, 2008



LEE DAVID KLEIN, ESQ.  
Attorneys for Plaintiff  
11 Market Street, Suite 204  
Poughkeepsie, New York 12601  
845-454-9200

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24, TOWN OF TUXEDO POLICE SERGEANT PATRICK  
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AFFIDAVIT  
OF SERVICE

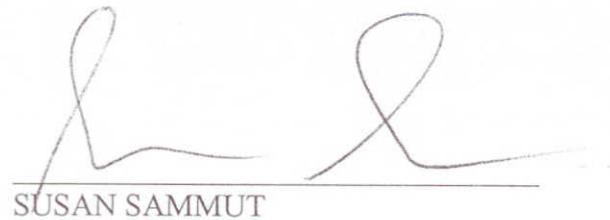
Assigned to:  
Hon. Charles L. Brieant,  
United States District Judge

STATE OF NEW YORK )  
                          )  
                          ) ss.:  
COUNTY OF DUTCHESS )

SUSAN SAMMUT, being duly sworn, deposes and says, that deponent is not a party to this action, is over 18 years of age and resides in Rhinebeck, New York; that on the 21<sup>st</sup> day of April, 2008, deponent served a true and correct copy of a **NOTICE FOR DISCOVERY AND INSPECTION PURSUANT TO CPLR 3120(1)(II)** in this matter upon:

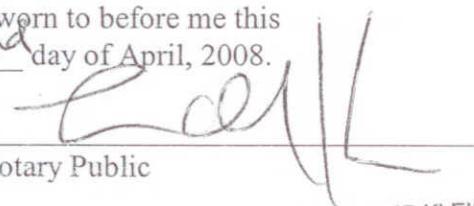
John J. Walsh, Esq.  
Hodges, Walsh & Slater, LLP  
Attorneys for Defendants  
55 Church Street, Suite 211  
White Plains, NY 10601

at the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a post-paid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.



SUSAN SAMMUT

Sworn to before me this  
22<sup>nd</sup> day of April, 2008.



Notary Public

LEE DAVID KLEIN  
Notary Public, State of New York  
Qualified in Dutchess County  
Commission Expires Oct. 14, 2010